MINUTES FOR THE REGULAR MEETING CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD Docket No. 5487

1. Opening of Meeting:

The Appeals Board convened at 10:30 p.m., October 9, 2007 in Sacramento, with Chair Rick Rice presiding.

<u>Present</u>	<u>Absent</u>
X	
X	
X	
X	
×	
×	
X	
	x x x x x

3. Approval of the Minutes:

The September 11, 2007 minutes were approved by all members.

4. Chair's Report:

Chair Rice thanked the IT team for the improved board reports and stated that those reports will be a very useful management tool.

5. Board Member Reports:

Member Richardson referenced an article in the San Francisco Chronicle on bills that are pending before the Legislature relating to the Paid Family Leave Act. The CUIAB, as a quasi-judicial agency, does not normally take a position on pending legislation, but we certainly need to be aware of potential changes in programs within our purview.

Member Carbaugh congratulated all individuals who worked diligently on the Web revision and for meeting the deadline one month early.

6. Chief Administrative Law Judge/Executive Director's Report:

Executive Director/Chief Administrative Law Judge Jay Arcellana reported that the five-week training program for the four new ALJs would be completed this week, and that the Agency will probably need to hire at least ten more ALJs to address workload demands. He noted that it usually takes new hires a year to become fully trained and to hear a full calendar of cases.

Executive Director Arcellana reported that a Supervisor I meeting was held last week, the first statewide meeting in three to four years due of budget issues. There will be some transitions at the Supervisory II level, but the Agency has a two to three year plan and is on the right track with its middle managers for purposes of succession.

CUIAB's quarterly meeting with EDD's Disability Insurance Branch was held recently, with the emphasis on the Paid Family Leave program. EDD advised that additional outreach efforts would be made, and a bill has been introduced to extend coverage to include in-laws, grandparents and grandchildren.

Executive Director Arcellana reported that Tim McArdle, on his behalf, made office visits to the Fresno and Oxnard Offices of Appeals, while he visited the Orange County Office of Appeals. The Fresno office is now in its new site. Morale at the offices is good, but they are anxious to hire more staff.

Executive Director Arcellana reported on the October Revision of the Workload Report. The trends that the CUIAB has been experiencing were confirmed by EDD and the Department of Finance. Fiscal year projections were initially for 230,000 dispositions, but they are now projecting upwards of 266,000. That means an increase of \$4.1 million or approximately 80 positions. For Disability Insurance the EDD and DOF are projecting an increase from the May projections of approximately 2,000 cases, which equates to 4 positions and an increase in the budget of \$245,000.

Member Carbaugh inquired about the use of retired annuitants vs fulltime permanents. Executive Director Arcellana responded the Agency would use both.

7. Branch Reports:

a. Executive Director/Chief Administrative Law Judge Jay Arcellana presented the Workload Projection Report via PowerPoint presentation. (Attachment A)

In response to inquiry by Member Aguiar, Executive Director Arcellana stated that the workload comes from the Department to the Field and the case age at the Field level has increased by about four days, thus the cases are taking longer to get out the Field.

Member Aguiar asked about the average workload for the ALJs in San Jose, San Francisco, and Sacramento verses Inland, Inglewood and San Diego.

Executive Director Arcellana responded that ALJs are responsible for the same workload, 25 or 28 cases per week, regardless of workload at their particular work location. However, in offices with higher workload cases office "mass calendars" are conducted, in which ALJs handle temporary caseload increases amounting to 30 to 40 cases per week. Those ALJs are compensated with time off calendar to use as they need.

Executive Director Arcellana presented the Budget Process and Status Report via PowerPoint presentation. (Attachment B)

Chair Rice asked about the exam for new ALJs, whether it is UI centered and whether it was the same one the Agency has been using in prior years. Executive Director Arcellana responded it was the same test but not the same questions. He explained the test is three to four hours, the candidates have to be state bar eligible with five years of practice as an attorney, but they do not need to have any prior knowledge of UI law.

Chair Rice questioned if the tests could be conducted regionally, to which Executive Director Arcellana responded in the affirmative.

Member Carbaugh asked if there was a penalty for missing time lapse. Executive Director Arcellana responded that there is, but that DOL has agreed to overlook that standard in consideration of the case aging pilot in which California has been participating.

Member Aguiar asked about the average case load for an ALJ in Wyoming. Executive Director Arcellana responded that Wyoming does not have an average case load requirement; the difference between California and other states is the impact of our collective bargaining laws.

Chair Rice inquired about Florida and Texas. Executive Director Arcellana replied that Texas did not want to measure the standards because Texas went to a telephone hearing concept statewide and the cases are assigned through a centralized calendaring concept. He stated he was unsure of Florida but he would obtain that information for the next board meeting.

b. Deputy Chief ALJ, Appellate Operations Steve Angelides reported that after a two month spike in July and August, the workload returned to average in September, with 1,209 registrations and 1,110 dispositions, each of which is 95% of the calendar year average. AO balance of open cases was 2,302 cases, which is 122% of the calendar year average and the highest since May, 2006. As anticipated, the average UI case age rose, to 43 days.

Transcript production fell to 4,436 pages, which is 73% of the calendar year average, and the lowest of the calendar year, as AO relied even more heavily on the hearing transcribers to help with case processing.

Deputy Chief ALJ Angelides reported that AO is short staffed in registration due to the promotion of three of the Management Services Technicians to Administrative Services. Since then a fourth Management Services Technician has now left registration for promotion to an accounting position with the Public Employees Retirement System. Fortunately help is on the way because AO has received approval to hire three Management Services Technicians in registration. In the meantime AO is using some overtime to keep up with the registrations.

ALJ Linda Clevenger, one of the treasures of CUIAB, has announced her retirement. She will be on vacation starting in December and will retire in May.

b. Deputy Director, Administrative Services Branch, Pam Boston reported that the Fresno Office of Appeals move went quite well. She acknowledged Steven Brothers, the Facility Representative, who handled the move.

Last week the Personnel Office released the Staff Services Analysts Transfer Exam Notice. The State Personnel Board, the Department of Personnel Administration and SCIU have made several changes to the SSA classifications over the last several months in order to allow the recruitment and entry of recent college graduates at the Range C level of the class. Current State employees can promote or transfer to the SSA class by means of a Life Experience Questionnaire, which can be taken online 24 hours a day. Those exams have been delegated to departments, and CUIAB will be conducting this written exam sometime in October or November. The exam will be for any individual within a salary range that can transfer to the SSA classification.

Deputy Director Boston recognized the Heart Walk Committee for an outstanding job, Christina Borrego, Arlene Rodriguez, Mirella Gomez, Ryann Rojas, Pat McArdle, Mirella Aguirre, Ana Ibarra, and especially Kim Langan, the CUIAB coordinator. CUIAB raised \$2,355 for the American Heart Association

Deputy Director Boston reported that staff from Administrative Services made presentations at the recent Legal Support Supervisor I meeting. Rafael Placenta from IT addressed IT issues, Ana Ibarra addressed the Emergency Evacuation Plans, Kathy Carel talked about the SSA changes and Rita Thompson talked about some facility issues that are ongoing.

Deputy Director Boston introduced Nakesha Robinson, who is the web master for CUIAB and in charge of the web committee. Nakesha then presented the web presentation via PowerPoint. (See Attachment C)

Member Carbaugh inquired about online appeal filing, whether an individual has to download the form, sign and mail it or is it filed straight through the internet.

Nakesha Robinson responded that the particulars for that have not yet been worked out. She indicated they were leaning more towards completing the form online and submitting it over the internet.

d. Deputy Director, Planning and Program Management Branch Mary Walton-Simons reported that the FISMA audit by EDD is still ongoing, now covering the following areas: IT, personnel and payroll, contracts, budget, purchasing, and fixed assets. The feedback from the auditors to date has been favorable.

PPM Managers attended the LSS I meeting, presenting a number of agenda items including status of the Public Records Act training, a FISMA update, the new

remedial training developed for the Typists, Upward Mobility Program Incident Reporting update, Case Aging Report, Interpreter Training update, Lan Do Update, and the upcoming COOP-COG training.

8. Chief Counsel's Report:

Chief Counsel Ralph Hilton reported that the board currently has 168 court cases in litigation. Six new cases were filed in September, with one case going on to the Court of Appeal. That particular case involves the prior director of the DMV who has filed for UI benefits. His writ was denied at the Superior Court level.

Chief Counsel Hilton also reported that four court cases have been closed, three of which affirmed the Board decision, and one reversal. The reversal dealt with a late appeal, which means the case will now be returned to the Board for a decision on the merits.

Chief Counsel Hilton reported that each Board Member reviewed and decided 304 cases during the month of September, unless they were on vacation or still in training.

9. Unfinished & New Business:

Chair Rice stated concern that the CUIAB Policy No.19 is not consistent with respect to the delegation of hiring authority. He said his reading of Policy 19 is that Jay Arcellana has delegated authority for hiring in the Field operations, that Steve Angelides has delegated authority over Appellate Operations, but that the Board has retained authority over P&PM and Administrative Services.

Executive Director Arcellana agreed that in terms of Administrative Services and P&PM Branches the Policy is unclear, and that it is inconsistent from the perspective that the board has delegated to the Executive Director position the ability to manage the operations of the entire Agency. He agreed that the Policy does need to be amended. He stated that the inconsistency that Chair Rice alluded to is that fact that the Policy is silent as to the hiring of staff within the Support Branches and that should probably be clarified along with revamping the entire Policy.

Member Montañez asked if the reason it was not included was because at the time the Policy was adopted that section did not exist within the larger Agency. Executive Director Arcellana responded that at the time the Policy was adopted P&PM was not inexistence. Deputy Director Boston stated that the Policy has since been revised at a time when P&PM was in existence.

Member Carbaugh stated in the board packets there are two documents, one dated September 2003 and the other is not dated. Member Richardson inquired if the document dated September 9, 2003, was the one currently in effect and was adopted after P&PM was established. Executive Director Arcellana replied that was correct. Member Richardson clarified that Policy 19 dated September 9, 2003,

post dates the creation of P&PM. Deputy Director Walton-Simons stated that the Policy Statement predated P&PM. Deputy Director Boston stated that P&PM was created in 2001.

Deputy Director Walton-Simons stated that the Policy Statement is inconsistent with what was approved by the DPA. It was DPA that actually created the P&PM Branch. At that time, Deputy Director Walton-Simons was a Manager in the Chief Administrative Law Judge's Office and reported to the Chief. Subsequently DPA did an audit review of classifications and because P&PM was also collecting staffing and workload data for Appellate Operations DPA removed P&PM from the Chief Administrative Law Judges Office and made it into a separate Branch. The Organization Chart and Duty Statements were then approved wherein the P&PM Branch was to report directly to Chief ALJ/ Executive Director. She stated that the P&PM Branch proposed at one point that the Budget Office report directly to the Chief ALJ and DPA did not approve. The DPA stated that it had to be within the P&PM Branch and that the line of authority at that point was to the Executive Director and then to the Board. She stated that the Organizational Charts that the DPA approved also showed Administrative Services reporting through the Executive Director/Chief ALJ to the Board. She stated that the current Policy Statement is inconsistent with what the control Agency approved. She stated that she reviewed Policy Statement #2 on Training, which is dated 1988, on Supervisory Authority dated 1987, Discrimination Authority Complaints dated 1994 and Reduced Work Time dated 1994, and none of them recognize the Branches that are in existence now. She stated that probably many of these need updating to recognize the service Branches.

Chair Rice concurred and stated that he is temporarily rescinding the delegated authority until the Policies are updated. Member Figueroa questioned why the board needed to rescind delegated authority. Chair Rice responded because the Policy is outdated and ambiguous.

Chair Rice agreed to put together a sub-committee of the board and staff to take a look at the antiquated policies.

Executive Director Arcellana questioned if that would change the way the board wants business conducted inasmuch as the delegated authority has been taken away. Chair Rice replied it would and that Chair approval would be required for personnel actions. He reiterated that these actions are temporary.

Member Figueroa expressed concerns in light of the hiring that will be conducted in the next couple of months. She stated it was a big change in policy for an entire Agency that is familiar with one mode of operation and suddenly it changes. She stated concern over positions that Supervisors may have already in process.

Chair Rice stated that business would be conducted as usual subject to Chair approval. Member Figueroa stated she was unclear with how the process would change.

Executive Director Arcellana responded that, for example, if a local office or a division within any of the branches wants to hire someone the office needs to go through the process to get the position first. Then staff does a Workload/Budget analysis to determine if the need justifies the request. The office submits it through Administrative Services and P&PM and ultimately it gets to the Executive Director office. If the position is granted the office can then advertise and recruit and once a candidate is identified that the office would like to extend an offer for hire, it comes back to the Executive Director's office for approval. At that point it is determined if the position will be permanent fulltime, permanent intermittent, permanent part-time, etc. He inquired of the Chair if what is being suggested is that after the proposal leaves the Executive Director's office the paperwork would go to the Chair for final approval. Chair Rice stated that was correct.

Deputy Director Boston asked for clarification. She inquired if the Chair wanted to see the paperwork before the approval is granted to fill the position or once the interview process has taken place and there is a candidate to hire. Chair Rice stated that the Chair would review the paperwork at the end of the process.

Member Aguiar clarified the documents land on the Executive Director's desk, he then makes the decision to approve or disapprove, makes a recommendation to the Chair and the Chair takes recommendation for final approval.

Executive Director Arcellana asked if the temporary rescinding of the delegate of authority include Field and Appellate or only the Support Branches. Chair Rice responded that all the Branches were included.

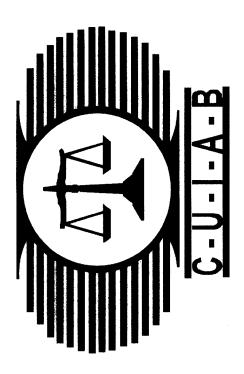
10. Public Comment:

There was no public comment.

11. Closed Session:

The Board went into closed session. No votes were reported from closed session.

Adjournment



SEPTEMBER 2007 WORKLOAD REPORT Field Operations

F WORKLOAD		ELD OPERATIONS REPORT FOR SEPTEMBER 2007	2007
PRGRAMS	VERIFICATIONS	SNOTTIONS I	BALANCE
I)	20,655	18,509	36,645
	1,536	1,505	2,486
TAX	66	218	2,320
SUBTOTAL	22,286	20,232	41,451
(All Programs) TOTAL	22,429	20,467	44,391

QUARTERLY WORKLOAD REPORT JULY – SEPTEMBER 2007 FIELD OPERATIONS

POGRAMS		DISPOSITIONS
Б	65,456	63,536
	5,127	4,990
TAX	475	514
SUBTOTAL	71,058	69,040
(All Programs) TOTAL	72,221	69,787

∀ Verifications:

- The Field verified 22,429 cases in September. This was a decrease of 12% from August 2007.
- increase from January through September However, for the calendar year, January 212,175 verifications. This was an 8% through September 2007, there were 2006 verifications of 196,255.

▼ Verifications:

- The Field verified 72,221 cases in the July September 2007 quarter.
- This was an increase of 1% from the April June 2007 quarter verifications of 72,173
- This is an 8% increase compared to a year ago, July - September 2006 quarter verifications of 66,437

∀ Dispositions:

- September 2007, a 12% decrease from The Field disposed of 20,467 cases in August of 23,268.
- The reason for the large decrease is a result of less cases calendared due to vacations.
- 201,880 cases, a 3% increase from January through September 2006 dispositions of For the calendar year, January through September 2007, the Field disposed of 195,684.

▽ Dispositions:

- The Field disposed of 69,787 cases in the July - September 2007 quarter.
- This was an increase of 11% from the April - June 2007 quarter dispositions of 62,165.
- This was an increase of 16% compared to a year ago, July - September 2006 quarter, dispositions of 58,441.

∀ Balance:

- At the end of September, the open balance of cases in the Field was 44,391.
- balance compared to the 2007 calendar This was a 17% increase of the open year average.
- The open balance as of September 2007 is the highest since September 2004.
- Again, this data points to a continuing increase of our workload.

★ Average Case Age

- The Average Case Age for UI is 39 days, four days older than August.
- The Average Case Age is the average age of all open UI cases as of the last day of the month.

► Lowest Workload

 The San Jose, San Francisco and Pasadena Offices have the lowest workload in the state.

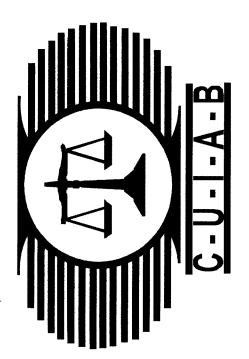
∀ Highest Workload

The Inland, Inglewood and San Diego Offices have the highest workload in the state.

\triangleright As of October 2, 2007, there were 1,263 untyped decisions on the HUB.

This number is high as we generally have around 900 untyped decisions.

FIELD AND APPELLATE OPERATIONS



UI and DI DISPOSITION COMPARISONS Revise Projections vs. CUIAB Actuals REPORT

2007/2008 Revise Projections vs. Actuals **UI and DI Comparisons**

Total
June
May
April
Mar
Feb
Jan
Dec
Nov
Oct
Sept
Aug
July

MAY 2007	REVISE - F	MAY 2007 REVISE - PROJECTIONS	NS										
Б	19,000	19,000	19,000	19,667	19,667	19,667	19,667	19,667	19,667	18,333	18,333	18,333	230,001
DI	1,623	1,623	1,623	1,504	1,504	1,504	1,478	1,478	1,478	1,556	1,556	1,556	18,483
TOTAL	20,623	20,623	20,623	21,171	21,171	21,171	21,145	21,145	21,145	19,889	19,889	19,889	248,484

. ***	266,199	20,055	286,254
	24,100	1,715	25,815
	24,100	1,715	25,815
	24,100	1,715	25,815
	23,100	1,614	24,714
	23,100	1,614	24,714
in and a second control of the contr	23,100	1,614	24,714
<u>.</u>	21,433	1,631	23,064
	21,433	1,631	23,064
	21,433	1,631	23,064
ECTIONS	20,100	1,725	21,825
SE - PROJ	20,100	1,725	21,825
OCTOBER 2007 REVISE - PROJECTIONS	20,100	1,725	21,825
OCTOBER	5	DI	TOTAL

											+ 8.969		
295,223	25,815	25,815	25,815	24,714	24,714	24,714	23,064	23,064	23,064	23,358	24,054	27,032	TOTAL
20,156	1,715	1,715	1,715	1,614	1,614	1,614	1,631	1,631	1,631	1,596	1,865	1,815	۵
275,067	24,100	24,100	24,100	23,100	23,100	23,100	21,433	21,433	21,433	21,762	22,189	25,217	5
										ACTUALS	SNOLLISO	CUIAB 2007-08 DISPOSITIONS - ACTUALS	CUIAB 20

We use these numbers for budgetary planning purposes. Our budget is based upon sufficient income to support our operations. Adjustments are made throughout the projected dispositions totaling 286,254. This amount of dispositions will generate year depending upon actual dispositions. The July – September 2007 quarter dispositions of 74,444 was 14% higher than the October Revise projections

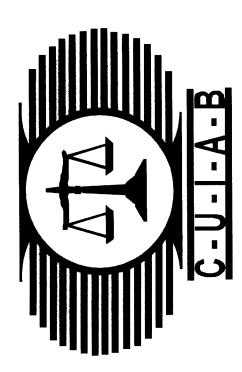
2007/2008 Revise Projections vs. Actuals Ul and DI Comparisons

	1
	Total
er	June
4th Quarter	May
4t	April
er	Mar
3rd Quarter	Feb
3r	Jan
er	Dec
2nd Quar	Nov
2n	Oct
er	Sept
Ist Quarte	Aug
+	July

248,484	29,667	63,435	63,513	61,869	QTR
18,483	4,668	4,434	4,512	4,869	۵
230,001	54,999	59,001	59,001	57,000	5
			88 6	MAY 2007 REVISE - PROJECTIONS	MAY 200

	266,199	20,055	286,254
	72,300	5,145	77,445
	69,300	4,842	74,142
JECTIONS	64,299	4,893	69,192
OCTOBER 2007 REVISE - PROJECTIONS	60,300	5,175	65,475
06T0BE	5	ō	QTR

	275,067	20,156	295,223	8,969
	72,300	5,145	77,445	
	006,89	4,842	74,142	
TIONS - ACTUALS	64,299	4,893	69,192	
AB 2007-08 DISPOSITIONS	69,168	5,276	74,444	5963
CUIAB 20	IN		QTR	DIR



need to trend up but the dollar does not go as far as it used to. We will need to Everything is looking up, unfortunately, be creative to make ends meet. And so is the workload. Staffing levels we will!

Web Committee

Status Report October 9, 2007

Web Committee Members

- ➤ Administrative Services 1
- ➤ Appellate Operations 1
- ➤ Business Services 1
- ▼ Executive 1
- ➤ Field Operations 2
- ➤ Information Technology 2
- ▶ Personnel 3
- ➤ Planning & Program Management 5

Web Committee Scope

The CUIAB Web Committee is responsible for making suggested improvements meet all standards (Section 508) set forth by the Eservices Department of the to the agencies Public Site and The Bench. The Public Site suggestions must Eservices department; however Section 508 requirements will be adapted as State of California. The Bench does not fall under the jurisdiction of the set forth by the Eservices department.

Suggestions by the committee will be prioritized and researched for feasibility.

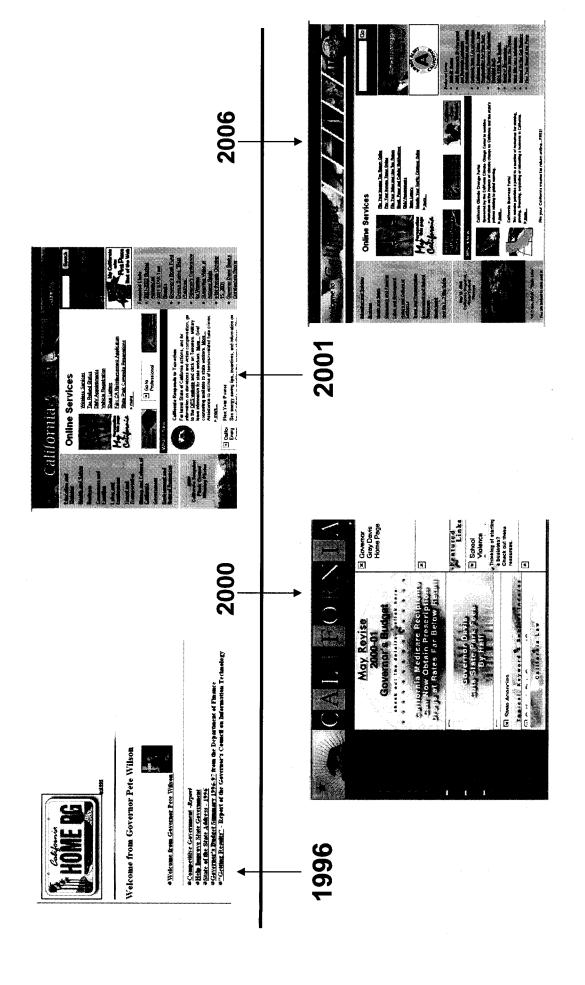
Section 508

information quickly and easily. Section 508 was enacted to eliminate barriers in information technology, to make available new opportunities for people with disabilities, and to encourage development of technologies that will help achieve these goals. The law applies to all Federal agencies when they develop, procure, maintain, or use electronic and information technology. Under Section 508 (29 U.S.C. '794d), agencies must give disabled employees and members of the public access to information that is technology accessible to people with disabilities. Inaccessible technology interferes with an individual's ability to obtain and use In 1998, Congress amended the Rehabilitation Act to require Federal agencies to make their electronic and information comparable to the access available to others.

Phases

- Plan the Sites
- Design the Sites
 - Build the Sites
- Maintain the Sites

ca.gov over the years.



New CUIAB Public Site



State of California Unemployment Insurance Appeals Board

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C Celifornia
This Site

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UIAB Home Board Contact Bs. Precedent Pecisions. Forms and Poblications: Helpful Links

COVERNOR SCHWARZENEGGER Vish bis website

Welcome to the California Unemployment Insurance Appeals Board

The California Unemployment Insurance Appeals Board (CUIAB) conducts hearings of cases concerning claims for unemployment and disability benefits. These cases are appeals of determinations made by the Employment Development Department (EDD). The CUIAB also holds hearings on petitions from taxpayers concerning assessments made by EDDs farmed in the initial hearings and decisions are heard in twelve Offices of Appeals throughout the state. These offices conduct the first level of appeal. A losing perty at the first level of appeal. A losing perty at the first level may appeal to the second level. The CUIAB decides over 200,000 separate cases per year.

* 180,000 decided in one of the twelve field offices at the first level of appeal

MOST POPULAR LINKS

* 20,000 cases are decided at the second level of appeal.

RESOURCES FOR CLAIMANTS AND EMPLOYERS

Claimants temployers

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* Board Meetings

- * Labor and Workforce
- Development Agency
 ** Employment Development
 Department
 - * State Disability Insurance
 * Celifornia Code of

* Unemployment Insurance
* State Disability Insurance
* Paid Family Leave Program

◆ CUIAB Forms
◆ Job Services
◆ Office Directory

- Regulations Office of Administrative
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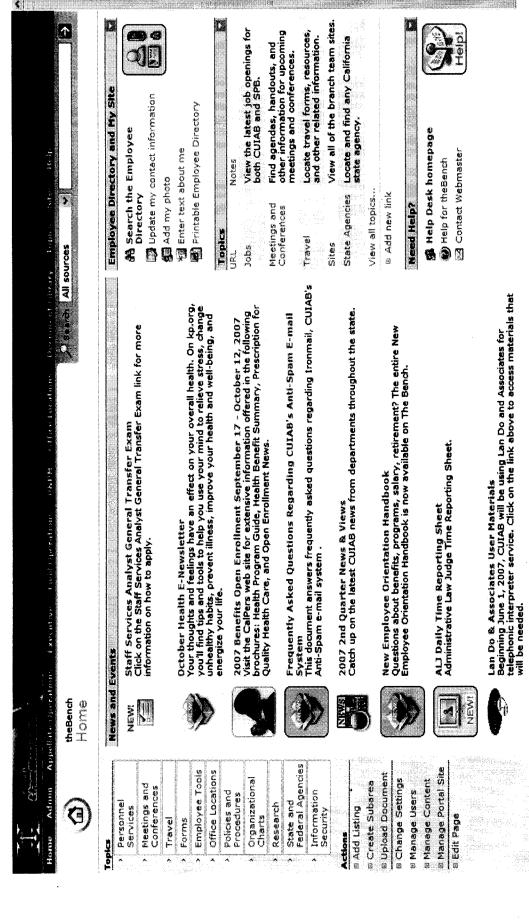
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(a) Internet

Future Plans – Public Site

- ➤ "What to Expect at a Hearing" Video
- ▶ Retrieve Decisions
- ∇online Appeal Filing
- ➤ Download Audio
- ➤ FAQ's for Claimants and Employers
- ➤ Appeals Process Flowchart

The Bench



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Local intranet

Reach for your goals, Upward Mobility can help! To learn more about Upward Mobility, plants pries the "Mose it Modes" document located to the link abour

Upward Mobility Documents

Future Plans – The Bench

- ➤ Complete Re-Design
- ▼ Content Based
- ➤ Section 508 Compliant
- ➤ Improve Search Features

Committee Accomplishments

- ▼ Committee Scope
- Designated Content Managers for each division
- ➤ CUIAB Forms Page, featuring the new Hearing Information Pamphlets
- Business Services Procurement Division has a presence on the public site
- ▶ Launch of the new site October 1, 2007

Questions

